

**United States District Court
for**

District of New Jersey

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Michael Patrick Sargese

Docket Number: 06-00121-001

Name of Sentencing Judicial Officer: HONORABLE Stanley R. Chesler, USDJ

Date of Original Sentence: 01/07/08

Original Offense: Conspiracy to Distribute Oxycodone

Original Sentence: 5 years probation with the following special conditions: 12 months Community Confinement; DNA Collection; Drug Treatment or Urinalysis.

Date of Violation of Probation: 04/17/08

Sentence on Violation: Probation revoked - 4 months imprisonment, 3 years supervised release.

Special Conditions: Drug testing/treatment; DNA collection (satisfied 06/04/08); Mental Health Treatment (added 12/17/08).

Date of Violation of Probation: 04/15/09

Sentence on Violation: Probation revoked - 9 months imprisonment, 27 months supervised release.

Special Conditions: Drug testing/treatment; DNA collection (satisfied 06/04/08); Mental Health Treatment

Type of Supervision: Supervised Release

Date Supervision Commenced: 01/20/10

Assistant U.S. Attorney: Jonathan W. Romankow, 970 Broad Street, Room 502, Newark, New Jersey 07102, (973) 645-2700

Defense Attorney: Lisa Mack, Esq., Federal Public Defender, 972 Broad Street, Newark, New Jersey 07102, (973) 645-5347

PETITIONING THE COURT

- [] To issue a warrant
[X] To issue a summons

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation Number Nature of Noncompliance

- 1 The offender has violated the standard supervision condition which states, **'The defendant shall refrain from the illegal possession and/or use of drugs and shall submit to urinalysis or other forms of testing to ensure compliance. It is further ordered that the defendant shall submit to drug treatment, on an outpatient or inpatient basis, as directed by the U.S. Probation Office. The defendant shall abide by the rules of any program and shall remain in treatment until satisfactorily discharged with the approval of the U.S. Probation Office.'**

Despite ongoing treatment at Straight and Narrow, Paterson, New Jersey, Sargeese remains addicted to prescription narcotics. On July 11, 2011; July 20, 2011; and October 4, 2011, he tested positive for oxycodone.

- 2 The offender has violated the standard supervision condition which states, **'The defendant shall refrain from the illegal possession and/or use of drugs and shall submit to urinalysis or other forms of testing to ensure compliance. It is further ordered that the defendant shall submit to drug treatment, on an outpatient or inpatient basis, as directed by the U.S. Probation Office. The defendant shall abide by the rules of any program and shall remain in treatment until satisfactorily discharged with the approval of the U.S. Probation Office.'**

On July 15, 2011, Sargeese began out-patient drug treatment at Straight and Narrow, Paterson, New Jersey. Their records indicate he has missed five sessions as follows: July 19, 2011; August 16, 2011; August 30, 2011; September 27, 2011; and October 11, 2011.

- 3 The offender has violated the standard supervision condition which states **'You shall notify the probation officer within 72 hours of being arrested or questioned by a law enforcement officer.'**

On July 11, 2011; July 20, 2011; and October 4, 2011, Sargeese had police contact that he failed to report within the requisite time frame. On those occasions, he was pulled over by police in Nutley, Verona and Bloomfield, New Jersey, for violations of cell phone usage while driving or following too closely.


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The offender has violated the standard supervision condition which states

'You shall report to the probation officer as directed by the Court or probation officer, and shall submit a truthful and complete written report within the first five days of each month.'

Sargeese did not list the police contact on July 11, 2011, or July 20, 2011, on his July 2011 Monthly Supervision Report (which he submitted on September 2, 2011).

I declare under penalty of perjury that the foregoing is true and correct.



By: Denise Morales
U.S. Probation Officer
Date: 10/27/11


THE COURT ORDERS:

☐ The Issuance of a Warrant

☒ The Issuance of a Summons. Date of Hearing: 11/3/2011 @ 12:00 noon

☐ No Action

☐ Other



Signature of Judicial Officer

10/28/2011

Date